

USPTO  
2008 JAN -8 PH 4:38

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: John Shanklin, et al. Confirmation No.: 2864  
Serial No.: 10/822,370 Group Art Unit: 1652  
Filed: April 12, 2004 Examiner: T. Saidha  
For: **MUTANT FATTY ACID DESATURASE AND METHODS  
FOR DIRECTED MUTAGENESIS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RECEIVED

JAN 10 2008

OFFICE OF PETITIONS

**REQUEST FOR EXCUSAL OF ERRONEOUS PAYMENT  
OF SMALL ENTITY FEES UNDER CFR §1.28(C)**

Sir:

The above-identified patent application and patent issuing therefrom were licensed to a Large Entity for the period of May 5, 2003 through February 11, 2005. Several of the fees in the application and maintenance fees were erroneously paid as a Small Entity at that time. Applicants are requesting an excusal of the fees paid in error. In accordance with the requirements of §1.28(c)(2)(ii)(A-D), details regarding the erroneous fees are set forth beginning on the following page.

01/09/2008 DALLEN 00000025 10822370

01 FC:1461

1906.00 0P


Fee Type	Date Paid	Small Entity Fee Paid	Current Fee for Large Entity	Deficiency Owed
<u>CIP Filing Fees</u>	April 9, 2004			
Basic Fee (CFR§1.16(a)(1))		385	310	0
41 Claims in excess of 20 (CFR§1.16(i))		369	2050	1681
Multiple Dependent		145	370	225
Totals		899.00		
<u>Assignment</u>	August 6, 2004	40	40	0
Total Deficiency Owed				1906.00

Pursuant to CFR §1.28(c)(2), a check in the amount of \$1906.00 covering the total deficiency in fees is enclosed.

Applicants submit that they have complied with the requirements of CFR §1.28(c)(1) and (2) and request that the erroneous payment of small entity fees be excused.

If any additional fees are required, the United States Patent and Trademark Office is hereby authorized to charge Deposit Account No. 02-3977 for such a fee. A duplicate copy of this paper is enclosed.

Respectfully submitted,

  
Lori-Anne Neiger  
Attorney for Applicants  
Registration No. 44,949

Date:

12/31/07

Lori-Anne Neiger, Patent Counsel  
Brookhaven National Laboratory  
Bldg. 185 - P.O. Box 5000  
Upton, New York 11973-5000  
(631) 344-3035